

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

FAIYAZ KEVAL,

Plaintiff,

v.

HEARTLAND EXPRESS, INC. OF  
IOWA, et al.,

Defendants.

No. 2:20-cv-2557 MCE DB

ORDER

On December 20, 2021, defendants filed a motion to compel plaintiff's physical examination, a memorandum of points and authorities in support, and notice of motion for hearing before the undersigned on January 14, 2022, pursuant to Local Rule 302(c)(1). (ECF No. 13.) On January 5, 2022, defendants filed a reply to plaintiff's non-opposition, asserting that "[a]ny opposition to the . . . motion was due . . . on or before January 3, 2022," citing Local Rule 230(c), in support. (ECF No. 14.) Motions dealing with discovery matters, however, are governed by Local Rule 251, not Local Rule 230. Local Rule 251(f).

Moreover, on January 6, 2022, plaintiff's counsel filed a request to continue the hearing of the motion due to complications related to a potential change in plaintiff's representation and COVID-19. (ECF No. 15.) Defendants filed an opposition to plaintiff's request that same day. (ECF No. 16.) Defendants' opposition is based on pending February 28, 2022 close of expert

1 discovery. (ECF No. 16 at 1.) Although that concern is understandable, the representations made  
2 by plaintiff's counsel cannot be ignored. Moreover, the parties have had ample time to complete  
3 discovery in this action.<sup>1</sup> And, as noted above, the parties have failed to properly brief this  
4 dispute.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. The January 14, 2022 hearing of defendants' motion to compel (ECF No. 13) is  
7 continued to **Friday, February 4, 2022**<sup>2</sup>; and

8 2. On or before January 28, 2022, the parties shall file a Joint Statement re Discovery  
9 Disagreement in compliance with the Local Rules and the undersigned's Standard Information.<sup>3</sup>

10 DATED: January 10, 2022

/s/ DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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21 DLB:6  
22 DB/orders/orders.civil/keval2557cont.hrg.ord

23 <sup>1</sup> In early December the parties contacted the undersigned's courtroom deputy to discuss  
24 attempting to resolve this matter by informal telephonic discovery conference. (ECF No. 13-2 at  
25 4.) Unfortunately, it was not possible to accommodate the parties' request given the  
undersigned's duty rotation and Court holidays.

26 <sup>2</sup> In light of the required continuation of the hearing of defendants' motion, the parties may wish  
27 to explore the possibility of a renewed attempt at scheduling an informal discovery conference.

28 <sup>3</sup> See <http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-deborah-barnes-db>.